IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

_________**:**

YOLANDA WOOD, Administratrix of the Estate of Aaron Lee Simpson, Jr.,

CIVIL ACTION

Plaintiff,

:

1 miii

v.

No. 18-1886

NATIONAL RAILROAD PASSENGER CORPORATION, also known as AMTRAK,

:

Defendant.

____:

ORDER

AND NOW, this 21st day of August, 2020, upon consideration Defendant National Railroad Passenger Corporation's "Motion for Summary Judgment" (ECF No. 22), Plaintiff's response thereto (ECF No. 30), Defendant's "Motion to Preclude Testimony of Plaintiff's Expert Richard Beall" (ECF No. 26), and Plaintiff's response thereto (ECF No. 31), it is hereby ORDERED that, based on the reasons discussed in the accompanying Memorandum Opinion, Defendant's motion (ECF No. 22) is GRANTED in part and DENIED in part as follows:

- 1. Defendant's motion is **GRANTED** regarding Defendant's allegedly negligent conduct.
- Defendant's motion is **GRANTED** regarding Defendant's alleged failure to train Engineer
 Wilson.
- 3. Defendant's motion is **GRANTED** regarding Defendant's alleged failure to erect fencing along its right-of-way.
- 4. Defendant's motion is **DENIED** regarding Defendant's allegedly wanton conduct.

5. Defendant's motion is **GRANTED** regarding the allegedly excessive speed of Defendant's

train.

6. Defendant's motion is **DENIED** regarding Plaintiff's allegedly wanton conduct.

7. Defendant's motion is **GRANTED** regarding Plaintiff's claim for punitive damages.

It is further ORDERED that Defendant's motion to preclude the testimony of Richard

Beall (ECF No. 26) is **DENIED without prejudice**. Defendant may raise this issue, if necessary,

before trial.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.